

THE EFFECTIVE DATE OF THIS ORDINANCE IS APRIL 27, 2007

ORDINANCE NO. 07-11-451

AN ORDINANCE TO AMEND AND REVISE CERTAIN PROVISIONS OF  
THE ZONING ORDINANCE OF FREDERICK COUNTY, MARYLAND,  
CODIFIED IN CHAPTER 1-19 OF THE FREDERICK COUNTY  
CODE, 2004, RELATING TO LOADING SPACES

RECITALS

WHEREAS, the current provisions in the Frederick County Zoning Ordinance governing the provision of loading spaces have had the effect of requiring industrial-sized loading spaces for uses that do not need large tractor-trailer sized loading spaces, such as churches, schools and daycare centers, and

WHEREAS, the loading space provisions sometimes require more loading spaces than are necessary for certain uses, and

WHEREAS, the Board of County Commissioners of Frederick County, Maryland ("BOCC") held a duly advertised public hearing on proposed revisions and amendments to the loading space requirements on April 17, 2007, at which time the public had a reasonable opportunity to comment on the proposed revisions and amendments, and

WHEREAS, after receiving public comments and having received recommendations from the Frederick County Planning Commission, the BOCC hereby deems the amendments to the Zoning Ordinance set forth in this Ordinance to be in the best interest of the citizens of Frederick County and consistent with the general intent and purposes of the Zoning Ordinance.

NOW, THEREFORE, be it enacted and ordained by the Board of County Commissioners for Frederick County, Maryland, that the Zoning Ordinance be amended as follows:

**§ 1-19-166. GENERALLY.**

(A) No structure will be erected, substantially altered, or its use changed unless permanent off street parking and loading spaces have been provided and maintained in accordance with the provisions of this chapter, unless amendments or modifications are authorized under § 1-19-321(C)(4) **OR § 1-19-167(D).**

(B) **EXCEPT AS PERMITTED BY SECTIONS 1-19-321(C)(4) OR 1-19-167(D),** ~~[In no case will any part of a]~~ **parking areas AND LOADING SPACES SHALL NOT** be closer to the right-of-way line than one-half the normally required setback for principal structures.

Additions are CAPITALIZED and/or in **BOLD**; deletions are in [brackets] and/or stricken-through.

(C) Parking and loading requirements per area will be determined by the **NET FLOOR AREA, MEANING THAT WHICH IS UTILIZED FOR THE MAIN USE OF THE BUILDING(S). NET FLOOR AREA SHALL BE DETERMINED BY SUBTRACTING** ~~[total gross floor area utilized for the main use]~~ excluding incidental service, storage and mechanical areas **FROM THE GROSS FLOOR AREA.**

(D) Parking and loading requirements per seat will be determined by the number of the individual seats. For purposes of bench type seating, 20 inches will be equivalent of 1 seat.

**§ 1-19-167. LOADING SPACE REQUIREMENTS AND DIMENSIONS.**

**(A) DIMENSIONS, CLEARANCES AND SIGNAGE: THERE SHALL BE TWO**

**(2) SIZES OF OFF-STREET LOADING SPACES DESIGNATED: "SMALL" AND "LARGE". LARGE LOADING SPACES ARE DESIGNED TO ACCOMMODATE USES THAT REQUIRE HIGH-VOLUME DELIVERY OF GOODS IN A TRACTOR-TRAILER. EACH LOADING SPACE SHALL BE EXCLUSIVE OF DRIVEWAYS, AISLES AND OTHER CIRCULATION AREAS. ALL LOADING SPACES SHALL HAVE SIGNS AND MARKINGS INDICATING THAT THE SPACE IS RESERVED FOR LOADING OR UNLOADING.**

**(1) A SMALL LOADING SPACE SHALL HAVE MINIMUM DIMENSIONS OF NOT LESS THAN:**

- (a) 9 FEET IN WIDTH,**
- (b) 20 FEET IN LENGTH, AND**
- (c) 10 FEET IN HEIGHT CLEARANCE.**

**(2) A LARGE loading space shall have minimum dimensions of not less than:**

- (a) 12 feet in width,**
- (b) 50 feet in length[~~-, exclusive of driveways, aisles, and other circulation areas~~], and**
- (c) 15 FEET IN[a] height [~~of~~] clearance[~~-of not less than 15 feet. One off-street loading space will be provided and maintained on the same lot for every separate occupancy, requiring delivery of goods and having a modified gross floor area of up to 5,000 square feet. One loading space will be provided for each additional 10,000 square feet or fraction thereof.~~].**

**(B) REQUIREMENTS: OFF-STREET LOADING SPACE(S) WILL BE PROVIDED AND MAINTAINED ON THE SAME LOT AS THE PRINCIPAL USE(S) FOR DELIVERY OF GOODS IN ACCORDANCE WITH THE TABLE BELOW:**

<u>USE CLASSIFICATION</u>	<u>TOTAL BUILDING NET FLOOR AREA (IN SQUARE FEET)</u>	<u>MINIMUM LOADING SPACES REQUIRED</u>
<u>CHURCHES, BANKS, DAYCARE, PRIVATE SCHOOLS, RECREATION &amp; COMMUNITY BUILDINGS, MULTIPLE-USER RETAIL, ALL OFFICE, AND MISCELLANEOUS COMMERCIAL USES NOT LISTED HEREIN</u>	<u>0 - 1,000 SQ.FT.</u>	<u>IF APPROVED BY STAFF, NO SEPARATE LOADING SPACE IS REQUIRED. HOWEVER, A TEMPORARY LOADING ZONE MAY BE REQUIRED TO BE DELINEATED ON THE SITE PLAN AND WHICH MAY BE LOCATED WITHIN A PARKING AREA.</u>
	<u>OVER 1,000 - 5,000 SQ.FT.</u>	<u>1 SMALL (SEE REQUIREMENTS OF §1-19-167(C))</u>
	<u>OVER 5,000 SQ.FT.</u>	<u>1 LARGE OR 2 SMALL(SEE REQUIREMENTS OF §1-19-167(C)) + 1 ADDITIONAL LARGE FOR EACH ADDITIONAL 15,000 SQ.FT. OR PART THEREOF OVER 20,000 SQ.FT.</u>
<u>SINGLE-USER RETAIL, ALL INDUSTRIAL AND ALL WHOLESALE</u>	<u>0 - 5,000 SQ.FT.</u>	<u>1 LARGE</u>
	<u>OVER 5,000 SQ.FT.</u>	<u>1 LARGE + 1 ADDITIONAL LARGE FOR EACH ADDITIONAL 10,000 SQ.FT. OR PART THEREOF OVER 5,000 SQ.FT.</u>

(C) IF AN APPLICANT FOR (1) MULTIPLE-USER RETAIL; (2) OFFICE;  
OR (3) MISCELLANEOUS COMMERCIAL USES NOT LISTED IN THE  
TABLE IN SUBSECTION (B), DOES NOT INTEND TO PROVIDE ANY  
LARGE LOADING SPACES, THE APPLICANT MUST FILE A  
REQUEST AND DEMONSTRATE TO THE SATISFACTION OF THE  
PLANNING COMMISSION THAT NO HIGH-VOLUME DELIVERY OF  
GOODS IN A TRACTOR-TRAILER IS REQUIRED FOR THE  
PROPOSED USE.

(D) MODIFICATION: AN APPLICANT MAY REQUEST THAT THE  
PLANNING COMMISSION APPROVE A MODIFICATION TO THE  
REQUIREMENTS OF §1-19-166(B), §1-19-167(A) OR §1-19-167(B) OF  
THIS SECTION. THE APPLICANT'S REQUEST SHALL INCLUDE  
WRITTEN JUSTIFICATION DESCRIBING WHY FEWER OR  
SMALLER LOADING SPACES ARE ADEQUATE FOR THE PROPOSED  
USE. THE PLANNING COMMISSION MAY GRANT THE  
APPLICANT'S REQUEST IF IT FINDS SUFFICIENT CAUSE FOR THE  
MODIFICATION.

Additions are CAPITALIZED and/or in BOLD; deletions are in [brackets] and/or  
stricken-through.

**§ 1-19-321. PLANNED UNIT DEVELOPMENT (PUD).**

**[Subsections 1-19-321 (A) and (B) are unchanged]**

(C) (1) There shall be no minimum tract size for a PUD. In addition, there will be no minimum lot area and lot width.

(a) The setbacks of structures within a PUD shall be as follows:

Front yard	minimum 25-foot setback
Side yard	minimum 8-foot setback
Rear yard	minimum 25-foot setback

(b) Provided, however, that where the applicant submits a comprehensive site plan for 3 or more contiguous structures or lots, the applicant may propose a reduction or modification to the above minimum setbacks. Any site plan which proposes a reduction or modification to the above minimum setbacks shall be subject to the normal posting requirements for site plans as provided in § 1-19-412 of this Code. The Planning Commission may approve such reductions or modifications based upon:

1. Consistency with the PUD Phase II land use plan densities approved for the section of the project;
2. Compatibility with the pattern of or relationship to existing development on adjacent or confronting lots;
3. Conformity with county- adopted community design guidelines;
4. Consistency with the objectives of the PUD zone as defined in subsection (A) above.

(2) Accessory structures may be located anywhere on the lot except the required front yard setback area and may project to the lot lines but in all cases they must be located a minimum of 6 feet from any structure on an adjoining lot.

(3) Setbacks and height limitations for structures over 3 stories or 30 feet shall be determined by the Planning Commission with site plan approval.

(4) Notwithstanding any other provision of this chapter, within areas designated "Mixed Use Town Center" or "Mixed Use Village Center" on an approved Phase II Plan, the applicant may propose, and the Planning Commission may approve, design criteria, dimensional requirements, and/or parking **AND LOADING** requirements that are not in conformance with existing zoning and subdivision regulations. These modifications may include, but will not necessarily be limited to: setbacks, parking, **LOADING SPACES**, rights-of-way widths, street design and landscaping. These modifications may be granted by the Planning Commission at the time of preliminary plan and/or site plan approval provided that a comprehensive concept plan has been submitted for the Mixed Use Town Center and/or Mixed Use Village Area. In

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determining whether to grant a requested modification under this section, the Planning Commission may consider whether the requested modification tends to achieve excellence of design, to create a particular community theme, to make an efficient use of land, to provide suitable amenities for the center, and/or to create a community which reduces reliance on vehicular transportation.

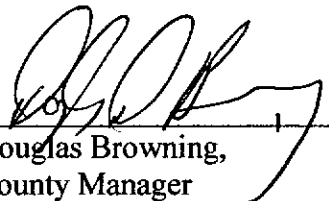
**[The balance of §1-19-321 is unchanged]**

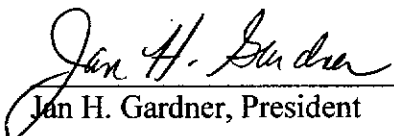
AND BE IT FURTHER ENACTED AND ORDAINED that this Ordinance shall take effect on April 27, 2007.

The undersigned hereby certifies that this Ordinance was approved and adopted on the 17th day of April, 2007.

ATTEST:

BOARD OF COUNTY COMMISSIONERS OF  
FREDERICK COUNTY, MARYLAND

  
\_\_\_\_\_  
Douglas Browning,  
County Manager

BY:  (SEAL)  
\_\_\_\_\_  
Jan H. Gardner, President

KAM  
4/18/07